

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/047,660 Confirmation No. 6615
Applicant : Louisa Shaefer
Filed : January 15, 2002
TC/A.U. : 2875
Examiner : Bao Q. Truong
Docket No. :
Customer No. : 64004

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

37 C. F. R. 1.132 DECLARATION

In response to a request from Mr. Alan Thiele, the following information has been provided. Specifically, Mr. Thiele provided me with the list of dates appearing in bold face type along with a description of an event associated with the prosecution of my referenced patent application.

Interspersed, in italics, are my recollections regarding my actions with Mr. Ken Hill and Mr. Bob Mason. These recollection have been triggered by reviewing a variety of personal information having dates near the dates shown below in bold face type.

My professional services relationship with Mr. Ken Hill began in late 1996 when he had a search done for me on the patentability of my night light invention.

On November 5, 1996 I write two checks to Mr. Ken Hill. One was for \$1000 and one was for the \$100 filing fee for the preparation and filing of a Provisional U.S. Patent Application for my night light invention.

December 31, 1997

Provisional U.S. Patent Application No. 60/070.248 filed by Mr. Ken Hill

On December 11, 1998 I write a check to Mr. Ken Hill \$1500 in partial payment for the preparation and filing of a Non-Provisional U.S. Patent Application on my night light invention..

December 30, 1998

Non-Provisional U.S. Patent Application No. 09/222,901 filed by Mr. Ken Hill

On March 5, 1999 I pay Mr. Ken Hill another \$1799.06

On April 14, 2000 I pay Mr. Ken Hill another \$1000

On June 16, 2000 I pay Mr. Ken Hill another \$1000

On January 31, 2001 Mr. Ken Hill sends me a bill for \$1485.75 for work going back to May 3, 2000 and the filing of a Supplemental Amendment

On February 9, 2001 I pay Mr. Ken Hill \$485.75

On August 8, 2001 I pay Mr. Ken Hill \$1004

August 14, 2001

Notice of Allowance/Issue Fee Due mailed to Mr. Ken Hill by USPTO

On September 24, 2001 I pay Mr. Ken Hill \$1850

November 14, 2001

Issue Fee paid by Mr. Ken Hill

On December 26, 2001 I pay Mr. Ken Hill \$1200

January 11, 2002

Drawing corrections submitted by Mr. Ken Hill

Sometime, about this time, Mr. Ken Hill informed me that only one claim describing a rubber seal around the casing of the night light had been allowed. In response, Mr. Ken Hill indicated that he would re-argue for additional claim coverage.

January 15, 2002

Continuing Non-Provisional U.S. Patent Application No. 10/047,600 filed by Mr. Ken Hill

I was told that this filing with the USPTO was going to be a Continuation-In-Part Non-Provisional U.S. Patent Application. Mr. Ken Hill lead me to believe that a Continuation-In-Part Non-Provisional U.S. Patent Application was part of the process for re-arguing for additional claim coverage – not an entirely new second patent application. I never received a copy of the Continuing Non-Provisional U.S. Patent Application that was actually filed nor was I ever billed for this work. It was only in 2010 that I learned that this was a Continuing Patent Application and not a Continuation-In-Part Non-Provisional U.S. Patent Application after having a search firm retrieve the actual file.

March 8, 2002

Preliminary Amendment to Continuing Non-Provisional U.S. Patent Application No. 10/047,600 filed by Mr. Ken Hill

May 21, 2002

U.S. Patent No. 6,390,647 issues from Application Serial No. 09/222,901 with 22 claims

May 31, 2002

First Office Action by Examiner Bao Q. Truong on Continuing U.S. Patent Application No. 10/047,600 mailed to Mr. Ken Hill

I was never told about this Office Action nor the date for response.

On September 19, 2002 I pay Mr. Ken Hill \$1013 plus another \$300

November 30, 2002

Continuing U.S. Patent Application No. 10/047,600 goes abandoned for failure to respond to May 31, 2002 Office Action

I was never told that my pending continuing patent application had gone abandoned

December 11, 2002

Petition to Revive Abandoned Continuing U.S. Patent Application No. 10/047,600 submitted along with Response to Office Action of May 31, 2002 submitted by Mr. Ken Hill was stamped with Receipt Date by USPTO

I was never informed that a Petition To Revive had been submitted, nor was I ever billed for this work.

March 5, 2003

Second Office Action by Examiner Bao Q. Truong on Revived Continuing U.S. Patent Application No. 10/047,600 sent to Mr. Ken Hill

I was never informed about this Second Office Action

Summer 2003, Barbara Pitts and Mary Sarao of www.asktheinventors.com provide me with the name of patent attorney Bob Mason.

September 5, 2003

Second abandonment of Continuing U.S. Patent Application No. 10/047,600 for failure to respond to Office Action of March 5, 2003 by Mr. Ken Hill

I was never informed that my patent application had been abandoned a second time.

December 9, 2003

Petition to Revive Abandoned Continuing U.S. Patent Application No. 10/047,600 filed by Mr. Ken Hill using an improper Serial Number

I was never informed that another Petition to Revive had been filed with the USPTO nor was I ever billed for this work

On January 28, 2004 I send another check to Mr. Ken Hill for \$2000

On or about June 24, 2004 I make my first contact with Mr. Bob Mason. On or about this date, I asked Mr. Ken Hill about moving the responsibility for my patent application to Mr. Bob Mason. Mr. Ken Hill informs me that he had just finished up a big case and that he would have more time to devote to my patent application.

March 2005, I ask Mr. Ken Hill about moving the responsibility for the legal work on my patent application to Mr. Bob Mason. It turns out that this is my last contact with Mr. Ken Hill. In addition, I ask Mr. Bob Mason about looking into possible infringements of my issued patent.

On April 5, 2005 I send a copy of my Inventor's Notebook to Mr. Ken Hill to look at my new ideas for my night light invention and to Mr. Bob Mason to evaluate the possibility of going after infringers of my issued patent.

On April 7, 2005 I send a fax to Mr. Ken Hill indicating that I really need to talk with him but receive no response.

On April 8, 2005 I call the United States Patent and Trademark Office and learn, for the first time, that the patent application which I thought was still pending had gone abandoned in September 2003. I call Mr. Ken Hill, but he does not return my calls.

On April 22, 2005 I send a certified letter to the USPTO asking for information on my pending patent application. I also ask Mr. Bob Mason to take over the continued prosecution of my patent application.

June 29, 2005

Second Petition to Revive submitted along with response to March 5, 2003 Office Action by Mr. Ken Hill

I was never informed that a Second Petition to Revive had been submitted nor was I ever billed for this work.

August 22, 2005

Second Petition to Revive granted

Mr. Bob Mason told me that the second Petition to Revive had been granted.

On August 30, 2005 I send a box containing possibly infringing night lights to Mr. Bob Mason

August 30, 2005

Notice of Incomplete Response to Office Action of March 5, 2003 sent to Mr. Ken Hill

I was never informed that there was a Notice of Incomplete Response

On September 9, 2005 I send another box containing possible infringing night lights to Mr. Bob Mason

November 24, 2005, I pay the First Maintenance Fee on my issued patent based on a notation made in my personal calendar

In early 2006 I check out my pending patent application on the USPTO website and learn that a new Examiner may have been assigned. In addition, there is no indication that correspondence regarding my patent application is to be sent to Mr. Bob Mason. I call Mr. Bob Mason and tell him what I had learned from looking at the USPTO website.

February 16, 2006

Mr. Bob Mason submits Power of Attorney for Continuing U.S. Patent Application No. 047,600 to USPTO

I was never informed that the Power of Attorney had been submitted to the USPTO

March 10, 2006

USPTO accepts the Power of Attorney from Mr. Bob Mason

I was never informed that the Power of Attorney to Mr. Bob Mason had been accepted by the USPTO

August 21, 2006

USPTO provides third Notice of Abandonment of Continuing U.S. Patent Application No. 10/047,600 to Mr. Bob Mason

I was never informed that my pending patent application had gone abandoned for a third time.

On or about April 7, 2006 I notice that a new Examiner named David Hoden has been assigned to my patent application and informed Mr. Bob Mason. Mr. Bob Mason indicates that he has not heard anything about my pending patent application from the USPTO.

On October 18, 2007 Bob Mason reports to me that the Continuation Application has gone abandoned and that he will make an effort to revive. I ask Mr. Bob Mason about the time limit for submitting a claim for malpractice against Mr. Ken Hill. Mr. Bob Mason indicates that there will be a two-year period for filing a malpractice claim if the Petition To Revive my patent application is denied.

April 29, 2009, I pay the second maintenance fee on my issued patent based on a notation in my personal calendar.

October 16, 2009, Mr. Bob Mason tells me that I had two years to decide whether or not to sue Ken Hill for allowing my patent application to go abandoned.

October 22, 2009

Mr. Bob Mason submits Petition to Revive the continuing U.S. Patent Application 10/047,600 with no explanation and no response to Office Action of March 5, 2003

Mr. Bob Mason does not bill me for submitting the Petition to Revive my abandoned patent application even though I offered to pay the fee. Mr. Bob Mason indicates that he has "no excuses".

On November 4, 2009 Bob Mason reports to me that he was only able to find one Office Action and was unsure of the priority date for the claims.

Between the Summer of 2005 and the Spring of 2010, I check with Mr. Bob Mason on the current status of my pending patent application every three to four months, but receive the response that he has not heard anything from the USPTO.

January 4, 2010

USPTO denies Petition to Revive Continuing U.S. Patent Application No. 10/047,600 submitted by Mr. Bob Mason

On or about February 2010, I ask Mr. Bob Mason what will be his course of action if my Petition to Revive is denied and receive no response.

I was never informed that the Petition to Revive my patent application had been denied.

March 4, 2010


Two month period for requesting reconsideration of the denied Petition to Revive Continuing U.S. Patent Application expires.

I was never informed that there was a period for reconsideration.

April 8, 2010

I retain Mr. Alan Thiele to look into the status of my patent application.

Further, declarant sayeth not.



Louisa Shaefer

7/15/2010

Date